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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/993,887
Filing Date: November 27, 2001
Appellant(s): COWDEN ET AL.

Patrick D. Benedicto
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 10, 2006 appealing from the Office action mailed June 15, 2005.

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(1) Real Party in Interest

The statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct. The changes are as follows:

Claims 1-7, 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monnes et al (US 6,459, 440 B1), and further in view of Humes (US 5,996,011).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. patents cited by the examiner in the rejection of the Final Office action under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monnes et al (US 6,459, 440 B1), and further in view of Humes (US 5,996,011).

a. Referring to claim 1:

i. Monnes teaches:

(1) detecting the launching of a new window; consulting a changeable set of criteria to determine if the window is of a certain type; allowing the window to be displayed if the window is of a first type; and preventing the window from being displayed if the window is of a second type and not of the first type [i.e., the display 14 further includes a pop-up window 10 for visual notification to the end user when an event, such as an incoming message, an alarm clock reminder, a calendar appointment, a low battery warning, a low memory warning or a printer error, has occurred. The pop-up window 10 may be a full screen or a portion of the screen and represents a bordered region, typically of rectangular shape into which a message is displayed. The pop-up window 10 typically has recognizable decorative elements that set it apart from other similar display elements. The pop-up window consists of several parts. It has a text portion 19 that provides the user with information such as what the event was, what the event means, and what to do about the event. It also has a choice portion 21, which provides the user with options for responding to or acknowledging the pop-up window 10. Lastly, the pop-up window 10 has a graphics portion 23 that provides a quick visual of basic information about the first application 20, the urgency, or the type of event that generated the pop-up window 10 (column 2, lines 51-67 through column 3, lines 1-10). Furthermore, referring to Figure 5, the display controller 40 preferably sends the command 24 to the display 14 to generate a visual notification in response to a first input 52 from the first application 20. When the display 14 receives the command 24 from the display controller 40 in response to the first input 52, a first pop-up window 44 is displayed (column 8, lines 1-39)].

ii. Although Monnes does not clearly or explicitly distinguish the process for allowing and/or preventing the types of pop-up windows, Humes teaches:

(1) The flowchart in Figure 2 shows the broad steps of filtering a requested web page URL, header, and body in accordance with one embodiment of the method of the present invention. The method begins at terminal block 210 and continues to block 212 where the user selected URL is input. The URL request is filtered at decision block 214 and the filter decision is "yes" if the request is

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denied based on the URL and "no" if the request is not denied at this point. If decision block 214 returns a "yes," block 216 shows that a page indicating access is forbidden ("FORBIDDEN" page) is to be returned, which page will be output to the client computer. If decision block 214 returns a "no," the HTTP header is input at block 218 and filtered at decision block 220. If decision block 220 returns a "yes," block 222 shows that the "FORBIDDEN" page is to be returned and if decision block 220 returns a "no," the first portion of the body of the web page is input at block 224 (**column 5, lines 3-19 and column 6, lines 28-67 through column 7, lines 1-8**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) specify and/or include the process for allowing and/or preventing the types of pop-up windows as shown in Figure 5 of Monnes since children can be exposed to a vast number of educational and entertaining web pages, many other web pages include adult content which is not appropriate for access by children (**column 1, lines 56-60 of Humes**).

iv. The ordinary skilled person would have been motivated to:

(1) specify and/or include the process for allowing and/or preventing the types of pop-up windows as shown in Figure 5 of Monnes for filtering data received by a computer system and, in particular, to a computer based system and method for filtering text data from World Wide Web pages received by a computer system connected to the Internet (**column 1, lines 8-12 of Humes**).

b. Referring to claim 2:

i. Monnes further teaches:

(1) wherein the set of criteria includes a set of rules [i.e., referring to Figure 1, application manager is programmed to send command 24 to the display, for example, to delete the obsolete portion of the pop-up window 10 in response to the input 26 (**column 4, lines 11-14**)].

c. Referring to claim 3:

i. This claim has limitations that is similar to those of claim 2, thus it is rejected with the same rationale applied against claim 2 above.

d. Referring to claims 4-7:

i. Monnes further teaches:

(1) wherein the second type includes a pop-up window; a pop-under window; a window that does not have a menu bar; a window that does not have a tool bar [i.e., **Figure 7 is a flowchart of the operation of the electronic device 12 in accordance with the present invention. The process begins with Step 66, in which the first pop-up window 44 is displayed on the display 14. Next, in Step 68, the second pop-up window 46 is displayed on the display 14. The second pop-up window 46 preferably overlaps the first pop-up window 44 such that either a portion or the entire first pop-up window 44 is hidden from viewing by the end user. The system, for example the display controller 40, next, in Step 70, queries for the user input 22 in response to the second pop-up window 46. In Step 60, if the user input 22 is detected in response to the second pop-up window 46, the response 30 is generated. In Step 62, if no user input 22 has been detected for the second pop-up window 46, the system, for example the display controller 40, queries for detection of an event. If no event is detected, the process returns to Step 70 looking for the user input 22 for the second pop-up window 46. In Step 72, if an event is detected, the first pop-up window 44 is deleted (column 9, lines 25-43)].**

e. Referring to claims 12-21:

i. These claims have limitations that is similar to those of claims 4-11, thus they are rejected with the same rationale applied against claims 4-11 above.

f. Referring to claims 22, 26-30:

i. These claims have limitations that is similar to those of claims 1-3, thus they are rejected with the same rationale applied against claims 1-3 above.

g. Referring to claim 23:

i. Humes further teaches:

(1) wherein the exclusion list may be updated by downloading a new set of domain names from a server computer [i.e., referring to Figure 1, a proxy/cache server computer 110 is connected to the Internet and is capable of receiving HTTP information over the World Wide Web. A client computer 120 (user's computer) is connected to the server computer 110, typically via an ethernet or modem connection. In accordance with Humes' invention, server computer 110 runs a computer program 112 which programs the server computer 110 to filter any request it receives for a web page from the client computer 120 and to output to the client computer 120 only those web pages, or portions of web pages, which are deemed appropriate for viewing by the user of the client computer 120 (column 4, lines 47-58)].

h. Referring to claims 24-25:

i. These claims have limitations that is similar to those of claim 23, thus they are rejected with the same rationale applied against claim 23 above.

(10) Allowable Subject Matter

Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11) Response to Arguments

I. Regarding to the Appellant's arguments to claim 1 that Monnes does not disclose or suggest detecting the launching of a new window and preventing the window from being displayed as recited in claim 1. Nothing in Monnes detects for the launching of a new window because windows are not prevented from being displayed in Monnes. First of all, the steps of preventing windows from being displayed cites in the claim is defined in the instant specification under the summary of the invention (page 3-4) as well as in the abstract of the invention as detecting by a computer program. Monnes' invention is very much similar to the appellant's invention. Monnes teaches the method for automatic deletion of a pop-up window, specially via application manager. Monnes teaches an electronic device (12) includes in one embodiment a display (14), at least one application (20) that generates a pop-up window (10) which is displayed on the

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display (14); and an application manager (16). The application manager (16) deletes the pop-up window (10) in response to an input (26) from the application (20). The electronic device (12) includes in a second embodiment a display (14) that displays a pop-up window (10), a plurality of applications (18) having corresponding application messages (42), a buffer (38) for storage of application messages (42), a display controller (40), and an application manager (16). The application manager (16) deletes an application message (33) stored in the buffer (38) in response to an input (26) from an application (20) (see Monnes' abstract). In fact, Figure 6 is clearly pointed out by Monnes for detecting and preventing the window from being displayed if the event is being detected (emphasis added). **The pop-up window with the event being detected (e.g., virus or inappropriate window) does not have any chance to even being display since it gets deleted** (column 9, lines 13-25 of Monnes). Monnes clearly allows or permits the windows to be displayed (**which is one of the limitations that claim 1 recites by the applicant**) when the event **does not** detect (emphasis added). Although Monnes does not clearly or explicitly distinguish the process for allowing and/or preventing the types of pop-up windows from being display, Humes teaches the flowchart in Figure 2 showing the steps of filtering a requested web page URL, header, and body in restricting access to data received by a computer over a network. The method begins at terminal block 210 and continues to block 212 where the user selected URL is input. The URL request is filtered at decision block 214 and the filter decision is "yes" if the request is denied based on the URL and "no" if the request is not denied at this point. If decision block 214 returns a "yes," block 216 shows that a page indicating access is forbidden ("FORBIDDEN" page) is to be returned, which page will be output to the client computer. If decision block 214 returns a "no," the HTTP header is input at block 218 and filtered at decision block 220. If decision block 220 returns a "yes," block 222 shows that the "FORBIDDEN" page is to be returned and if decision block 220 returns a "no," the first portion of the body of the web page is input at block 224 (**column 5, lines 3-19 and column 6, lines 28-67 through column 7, lines 1-8**). Therefore, Humes teaches the filtering of URL and/or web page from being display on the computer screen depending upon the decision of a

"yes" or a "no". A "yes" decision in Humes is meant to block the window from being inputted to the computer screen, and a "no" decision in Humes is meant to allow the window to appear onto the computer screen. Thus, the combination of teachings between Monnes and Humes teach the claimed "detecting the launching of a new window and preventing the window from being displayed." Note that the first type and second type of windows are not defined in the claim. Examiner interprets the terminology as any type of windows or screens, e.g., virus, inappropriate, or appropriate type of windows or screens. In addition, the appellant is using language like "permitting" or "allowing" a computer to do something. Recognize that these claims do not require or prohibit a computer from doing the recited acts. They do not cause any functionality to occur in the computer. Thus, the combination of Monnes and Humes teach the claimed invention.

Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Examiner believes that the combination of Monnes and Humes are sufficient.

II. Regarding to the Appellant's arguments to claims 22, 26, and 27 that are similar subject matter to those of claim 1, therefore it is rejected with the same reasons as given above for claim 1.

III. Regarding to the Appellant's arguments to claims 6 and 7 that neither Monnes nor Hummes discloses that windows that do not have a menu bar, a tool bar, should be belong to a type of window that should be prevented from being displayed. These are the type of windows that are not authorized to be displayed. Although Monnes does not clearly or explicitly distinguish the types of pop-up windows from being displayed, the pop-up window 10 in Figure 1 of Monnes could represent the type of window without menu and tool bar. However, Humes teaches the web page URL filtering aspect as shown in Figure 2 and it would have been obvious to modify Monnes'

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detecting pop-up window as a window without header (e.g., menu or tool bar) to use the advantages of Humes' web page URL filtering. Thus, the combination of teachings between Monnes and Humes teach the claimed "the windows that do not have menu or tool bar and preventing these type of windows from being displayed." Furthermore, Humes discloses that while the system and method of Humes' invention have been described with relation to filtering objectionable data from data received, the method can also be used to process data such that only Web pages containing desired data are passed to the user's computer. This mean that only authorized web pages, which is "good" pages are to be displayed on the user's computer screen, since the filter has screened out the unauthorized or "bad" window from being passed to the user's computer to be displayed.

Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Examiner believes that the combination of Monnes and Humes are sufficient.

IV. The arguments on claims 8-11 are persuasive and allowable over the prior art of record.

V. Regarding to the Appellant's arguments to claims 12 and 13 that neither Monnes nor Hummes discloses that windows that have a password field, a login field. These are the type of windows that are authorized to be displayed. Referring to Figures 6-9, Monnes teaches the user input field at the pop-up window where user could enter ID and password. Furthermore, for added security, the pop-up window 10 preferably includes a unique identifier. The unique identifier may be the name of the controlling application or a password (column 3, lines 62-64 of Monnes). Thus, Monnes teaches the claimed "the windows that have a login or a password field".

VI. Regarding to the Appellant's arguments to claims 14 that neither Monnes nor Hummes discloses that windows initiated by a user. These are the type of windows

that are authorized to be displayed. Referring to Figures 6-9, Monnes teaches the user input field at the pop-up window where user initiate or request the window to be displayed. Furthermore, the display controller 40, responsive to the user input 22, initiates the response 30 to the first application 20 for use in the operation of the first application 20 when the user input 22 is initiated in response to the first pop-up window 44 (column 8, lines 6-10 of Monnes). Thus, Monnes teaches the claimed "the windows initiated by a user".

VII. Regarding to the Appellant's arguments to claims 15 and 18 that neither Monnes nor Hummes discloses that windows navigating to an address that previously appeared on a status bar of a web browser, being launched at least a second time, originating from a secure domain, or appearing when a main browser window has not changed for some time belong to a type of window that should be allowed to be displayed. These are the type of windows that are authorized to be displayed. Although Monnes does not clearly or explicitly distinguish the types of pop-up windows from being displayed, Humes teaches the web page URL filtering aspect as shown in Figure 2 and it would have been obvious to modify Monnes' detecting pop-up window as a window previously appeared on a status bar of a web browser to use the advantages of Humes' web page URL filtering. Thus, the combination of teachings between Monnes and Humes teach the claimed "the windows navigating to an address that previously appeared on a status bar of a web browser, being launched at least a second time, originating from a secure domain, or appearing when a main browser window has not changed for some time belong to a type of window that should be allowed to be displayed." Furthermore, Humes discloses that while the system and method of Humes' invention have been described with relation to filtering objectionable data from data received, the method can also be used to process data such that only Web pages containing desired data are passed to the user's computer. This mean that only authorized web pages, which is "good" pages are to be displayed on the user's computer screen, since the filter has screened out the unauthorized or "bad" window from being passed to the user's computer to be displayed.

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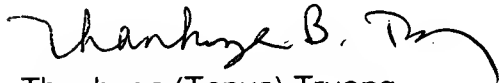
Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Examiner believes that the combination of Monnes and Humes are sufficient.

For the above reasons, it is believed that the rejections for claims 1-7, 12-30 should be sustained.



(12) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


Respectfully submitted,



Thanhnga (Tanya) Truong
March 09, 2006

Conferees
Kim Vu 
Hosuk Song 

Okamoto & Benedicto LLP
P. O. Box 641330
San Jose, CA 95164



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100